

HONOURABLE SRI JUSTICE K.C. BHANU

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W.P.No.18984 of 2005

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Dated 31st August, 2005

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Between:

The Defence Housing Cooperative Society
(other Ranks) Ltd., (Registration No.TB-662),
Sainaikpuri, Secunderabad, rep. by its
Secretary Sri P.Veera Raju, S/o.Late Kotaiah,
Aged 65 years, R/o.H.No.36/96, Defence colony,
Sainaik Puri, Secunderabad .. Petitioner

And

The Government of Andhra Pradesh, rep. by
its Secretary, Cooperative Department,
Secretary, Hyderabad and three others .. Respondents

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ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not conducting elections to the Managing Committee of the petitioner-society even though its term is to expire on 2.9.2005 as illegal and arbitrary with a consequential direction to

the respondents to forthwith conduct elections to the Managing Committee of the petitioner-society.

The learned counsel for the petitioner has contended that all the existing records and registers will be made available to the respondents, so that they can proceed with the elections, till such time, and till a new body is elected, the existing managing committee may be continued.

On the other hand, the learned Government Pleader for Cooperation has opposed the same. He has relied upon a decision reported in ***M.Ranga Reddy Vs. State of A.P.*** (AIR 1989 AP 81). He has contended that since there are certain allegations in the existing committee, it is for the respondents to take appropriate decision in nominating a new committee after expiry of the existing managing committee, but the learned counsel for the petitioner has refuted this contention.

Inasmuch as the respondents are ready to conduct the elections, this Court, without expressing any opinion on the merits of the case, directs the respondents to conduct the elections within a period of three months from the date of receipt of relevant records and registers from the existing committee. With regard to the other contention whether to continue the petitioner-society or not till new body is elected, this aspect has to be decided by the respondents in accordance with law since no prayer to that effect is sought for in this writ petition.

Accordingly, the writ petition is allowed. No order as to costs.

31.08.2005

bcj

